

## Essential Services Relevant Excerpts

105 CMR 130.020 Definitions is amended by adding the following new definitions:

Campus One of several premises on the license of a hospital that provides an essential health service.

Essential health service means a campus, or any of the services enumerated in the definition of service in 105 CMR 130.020 that is not included in the Excluded Services List below. "Essential health service" also includes outpatient dental services, outpatient psychiatric and mental health services, and outpatient reproductive health services. :

Excluded Services List:

- Skilled nursing facility service
- Intermediate care facility service
- Cardiac catheterization service
- Chronic care service
- Hematopoietic Progenitor/Stem Cell Collection, Processing, and Transplant Service
- Hematopoietic Progenitor/Stem Cell Transplantation Program or Clinical Transplantation Program.

Hospital's service area is the geographic area calculated based upon the Determination of Need standards developed pursuant to 105 CMR 100.540 for purposes of calculating the Acute Care Bed Need for Medical/Surgical Services.

### **105 CMR 130.020 Definition – Service**

Service means any of the following specific services, which the Department will list on a hospital's license if the Department licenses the hospital to deliver the service. The services listed herein for licensure purposes may be different from those specified in the definition of "major service" in 105 CMR 100.040: Determination of Need. The Department does not intend by this difference to limit its authority to determine what constitutes a major service or a substantial change in services for determination of need purposes.

- (A) Medical/Surgical Service. A general, routine adult acute care service providing medical and/or surgical and nursing care to inpatients on the basis of physicians' orders and nursing care plans.
- (B) Intensive Care Unit. A unit physically and identifiably separate from general routine (and other) patient care areas, in which are concentrated special equipment and skilled personnel for the care of critically ill inpatients requiring immediate and concentrated continuous care and observation, and which meets the Medicare requirements in 42 CFR 413.53(d) for intensive care type inpatient hospital units.
- (C) Coronary Care Unit. An intensive care unit staffed with specially trained nursing and supportive personnel, and equipped with necessary diagnostic, monitoring, and therapeutic equipment needed to provide specialized medical and nursing care to inpatients who, because of heart seizure, open heart surgery, or conditions threatening to the heart, require intensified, comprehensive observation and care.

- (D) Burn Unit. A special treatment unit for burned inpatients needing care of a more intensive nature than is provided in medical/surgical service beds. Burn units are staffed with specially trained physicians, nurses, and support personnel and contain specialized monitoring and therapeutic equipment needed to provide care for severely burned patients.
- (E) Pediatric Service. A pediatric service as defined in 105 CMR 130.703, or a pediatric specialty service, as defined in 105 CMR 130.707, which is Level I, II or III, as defined in 105 CMR 130.704 through 130.706, and for pediatric patients, as defined in 105 CMR 130.701.
- (F) Pediatric Intensive Care Unit. A pediatric intensive care unit as defined in 105 MCR 130.750(J), for pediatric patients, as defined in 105 CMR 130.701.
- (G) (1) Maternal-Newborn Service. A service providing care to maternal and newborn patients as defined in 105 CMR 130.601(A)(1)(a) or (b) or (A)(2) or (A)(3).
- (2) Neonatal Intensive Care Unit. Neonatal Intensive Care Unit, as defined in 105 CMR 130.601. (A)(3)(b).
- (H) Special Care Nursery Service. A special care nursery as defined in 105 CMR 601(A)(2).
- (I) Continuing Care Nursery Service. A continuing care nursery as defined in 105 CMR 130.601(A)(1)(b).
- (J) Psychiatric Service. A service for inpatients in need of intensive, 24 hour, psychiatric and nursing care and supervision, not including persons hospitalized for substance abuse problems. A staff of mental health specialists provides psychiatric, psychological and social evaluation, treatment and aftercare planning.
- (K) Substance Abuse Service. A detoxification and/or rehabilitative treatment service for individuals and their families experiencing the dysfunctional effects of the use of alcohol and/or drugs.
- (L) Chronic Dialysis Service. A service for treatment of patients with end-stage renal disease who do not require 24 hour hospitalization. This service includes dialysis facilities for providing hemodialysis, peritoneal dialysis or both and related specialized staff and support services.
- (M) Chronic Care Service. A chronic care service is a service, other than a rehabilitation, psychiatric, substance abuse, intermediate care facility, or skilled nursing facility service, which has an average length of inpatient stay greater than 25 days. Any hospital licensed for a medical/surgical service, which otherwise meets the definition set out in 105 CMR 130.026(M), and has been approved or has filed a complete application pursuant to 105 MCR 100.600 prior to the effective date of 105 CMR 130.026(M), shall continue to be licensed as a medical/surgical service.
- (N) Rehabilitation Service. A rehabilitation service provides physical restoration, and emotional, mental, social and vocational restoration and adjustment for handicapped and disabled persons. This service consists of evaluation, treatment, education, training and placement provided by qualified personnel. A rehabilitation service is directed by a physician experienced and qualified in the field of rehabilitation; and consists of a team

effort of the various disciplines of rehabilitation services. The services that shall be provided include at a minimum intensive skilled rehabilitation nursing, physical therapy, occupational therapy, speech therapy, pathology, social services, prosthetic and/or orthotic fitting, and psychological services. Optional services include recreation therapy, dental service, special education, and vocational assessment and counseling.

- (O) Skilled Nursing Facility. For services licensed prior to the enactment of St. 1988, c. 23 on April 21, 1988, a long-term care service which provides continuous skilled nursing care, and restorative and other therapeutic services where beneficial, for patients who have a deteriorating condition requiring skilled care or who show potential for improvement or restoration to a stabilized condition. Patients in skilled nursing care require more intense and continuous skilled nursing care than the supportive nursing care provided for intermediate care beds.
- (P) Intermediate Care Facility Service. For services licensed prior to the enactment of St. 1988 c. 23 on April 21, 1988, a long-term care service which provides routine nursing services and periodic availability of skilled nursing, restorative and other therapeutic services. Intermediate care patients are in a stable condition, needing only supportive nursing care, supervision and observation, and do not require the constant care provided in skilled nursing beds.
- (Q) Ambulatory Care Services. Health care services for patients who do not use overnight facilities.
- (R) Emergency Services. A service maintained primarily to provide care to outpatients who are in need of immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.
- (S) Birth Center Services. Professional midwifery services provided to low risk childbearing women during pregnancy, birth, and puerperium and to the infant during the immediate newborn period by nurse-midwives or by obstetricians or family practitioners. The birth center must be nearby but not be physically attached in any manner, including connection by corridors, to any other hospital service, including the obstetrics service. A birth center is not a birth room or birthing suite or any other short stay inpatient service.
- (T) Hospice Service. A coordinated program of home care and inpatient care services, provided by or arranged to be provided by an interdisciplinary team for persons who are determined to be terminally ill with a limited life expectancy. Inpatient hospital beds used to care for hospice patients shall be licensed as medical/surgical beds as defined in 105 CMR 130.026(A).
- (U) Cardiac Catheterization Services. Diagnostic and therapeutic services, other than cardiac surgery, which are not usually performed at the patient's bedside and which involve the introduction of physical objects (such as catheters) into the heart, its chambers, the pericardium, or the great vessels proximal to the heart. Examples of cardiac catheterization services are right heart and left heart cardiac catheterization, coronary angiography, ventriculography, and percutaneous transluminal coronary angioplasty. Excluded from this definition are: bedside cardiac and pulmonary artery catheterization using floating and/or indwelling catheters; the implantation, repair, and replacement of cardiac pacemaker devices; and cardiac radionuclide scanning procedures which do not require the use of the cardiac catheterization laboratory.

- (V) Hematopoietic Progenitor/Stem Cell Collection, Processing and Transplantation Services (HPCCPPTS) means a service performing blood and marrow transplantation in the treatment of human disease. The service includes all phases of the collection, processing and administration of hematopoietic progenitor/stem cells. This includes but is not limited to cells isolated from bone marrow, peripheral blood, or placental/umbilical cord blood, and any of a variety of manipulations including removal or enrichment of various cell populations, expansion of hematopoietic cell populations, cryopreservation, infusion, expansion or activation of mononuclear cell populations for immunological therapy, and genetic modification of lymphoid or hematopoietic cells, when the cells are intended to permanently or transiently engraft in the recipient, and/or be used in the treatment of disease. HPCCPPTS does not include the collection, processing or administration of erythrocytes, mature granulocytes, platelets, plasma or plasma-derived components intended for transfusion support.
- (W) Hematopoietic Progenitor/Stem Cell Transplantation Program or Clinical Transplantation Program consists of an integrated medical team housed in a geographically contiguous or proximate space with a single Program Director, common staff, training programs, protocols and quality assessment systems licensed pursuant to 105 CMR 130.510 through 130.580.

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